REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which Applicans regard as the invention.

Applicants request an initialed form PTO-1449 confirming consideration of all the references cited in the IDS filed on April 8, 2005. The Examiner initialed most of the references cited in the PTO-1449 submitted on April 8, 2005, except JP 64-42199 and a publication "Microfilm of the specification..." All the references cited in the PTO-1449 were cited in the International Search Report and Applicants submitted a copy of the search report along with the PTO-1449. Applicants did not submit a copy of the cited references because the International Bureau is to furnish copies of the references cited in the ISR. If the copies are not forwarded to the designated office, the Examiner may contact either the Special Program Examiner in their technology center, or contact Mike Neas at PCT-help desk (571-272-3289) for assistance in retrieving the copies. For the Examiner's convenience, a new PTO-1449 is herewith enclosed.

The Examiner objects to Figure 17 as being prior art but not being so labeled. The proposed drawing amendment has been submitted as requested by the Examiner.

Claims 1 and 5 stand rejected under 35 U.S.C. 102(b) as being anticipated by Fig. 17 of Applicants' application. For at least the following reasons, the Examiner's rejection is respectfully traversed.

Claim 1 has been amended to recite a collision avoiding unit including generally sector-shaped and concavely curved ascent/descent portions, suitably shaped and curved push-up portions and riding portions which are protruded generally in a sector shape and are formed on a back face of the battery pack confronting the ascent/descent portions and the

push-up portions. The amendment is supported by the original specification, for example, on page 8, lines 11-13 and page 12, lines 6-10 of the application. Applicants respectfully submit that Fig. 17 does not disclose a collision avoiding unit including generally sector-shaped and concavely curved ascent/descent portions, suitably shaped and curved push-up portions and riding portions which are protruded generally in a sector shape and are formed on a back face of the battery pack confronting the ascent/descent portions and the push-up portions, as recited in claim 1. The Examiner contends that Fig. 17 discloses a collision avoiding unit including: generally sector-shaped ascent/descent portions (push-up projections 104 in Fig. 17 and page 2, lines 12-14), suitably shaped push-up portions (push-up projections 104 in Fig. 17 and page 2, lines 12-14) and rising portions (riding projections 203 in Fig. 17 and page 2, lines 12-13). Applicants respectfully disagree. The push-up projections 104 in Fig. 17 are formed generally into a square pole shape and cause a riding projections 203 abruptly fall down just after they passed the spring terminals 103 and a battery pack 200 rattles (see page 2 lines 17-19). To the contrary, the collision avoiding unit in the claimed invention is designed to avoid such fall down of the riding portions and rattling of the battery pack. The ascent/descent portions 41A of the claimed invention are generally sector-shaped and concavely curved, and the riding portions 42 of the claimed invention are protruded in a generally sector shape. Therefore, the riding portions smoothly ride on and over the ascent/descent push-up portions 41 while sliding on the sector-shaped concavely curved faces 41A of the ascent/descent push-up portions 41, thereby avoiding the battery pack 3 reliably from colliding against pin terminals 22 (see page 12, lines 10-14 and Figs. 1-8). Because Fig. 17 does not disclose each and every feature set forth in claim 1, it does not anticipate claim 1. Claim 5 depends on claim 1, and thus is also patentable for at least the same reasons as the parent claim.

Claim 3 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over Fig. 17 in

view of Ioka et al. (Japanese Patent Application Publication No. 2000-141994, hereinafter "Ioka"). For at least the following reasons, the Examiner's rejection is respectfully traversed. Fig. 17 and Ioka, independently or in combination, do not teach or suggest all features of the claimed invention.

As the Examiner concedes in the Office Action, Fig. 17 fails to disclose that the collision avoiding unit is constructed that the ascent/descent portions disposed on the main body side casing of the mobile telephone are formed into generally concavely arcuate faces oriented toward the loading direction of the battery pack and the collision avoiding unit is constructed that the riding portions of the battery pack are formed into generally convexly arcuate faces oriented in the direction to unload the battery pack, as required in claim 3. The Examiner asserts, however, that Ioka discloses a mobile telephone formed into generally concavely arcuate faces oriented toward the loading direction of the battery pack, wherein the collision avoiding unit constructed that the riding portions of the battery pack are formed into generally convexly arcuate faces oriented in the direction to unload the battery pack in Figs. 6, 7, 8, 10, 11, 12 and abstract of Ioka. Applicants respectfully disagree. In Ioka, a battery case does not have generally concavely arcuate faces oriented toward the loading direction of the battery pack. In Figs. 6-8 of Ioka, merely round shaped projections 10 are provided, and the projections do not have generally convexly arcuate faces. Moreover, there is no riding portion on the battery pack in Figs. 6-8. In Figs. 10-12 of Ioka, protrusions 29 have walls at 90 degree from the bottom 35 in order to fit the battery pack to the battery case. To the contrary, the concavely curved face 71A of the claimed invention descends the leading end portion of left and right slender frame faces 51E and 51F (see page 19, lines 18-20), and therefore the riding portions 72 smoothly descends on the ascent/descent portions 71 while sliding on the sector-shaped concavely curved faces 71A of the ascent/descent portions 71, thereby to avoid the battery pack 3 reliably from colliding against pin terminals 22 (see page

20, lines 16-19). That is, the asserted combination of Fig. 17 and Ioka fails to teach or suggest all features of the claims. Hence, the rejection should be withdrawn.

Claims 4 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Fig. 17 in view of Kobayashi (US Patent No. 6,917,824, hereinafter "Kobayashi") and further in view of Ioka. For at least the following reasons, the Examiner's rejection is respectfully traversed. Fig. 17, Kobayashi and Ioka, independently or in combination, do not teach or suggest all features of the claimed invention.

As mentioned above, Fig. 17 does not describe each and every feature as required in claim 1. In particular, Fig. 17 does not disclose a collision avoiding unit including generally sector-shaped and concavely curved ascent/descent portions, suitably shaped and curved push-up portions and riding portions which are protruded generally in a sector shape and are formed on a back face of the battery pack confronting the ascent/descent portions and the push-up portions as required in claim 1. The Examiner asserts that Fig. 17 further discloses that a plurality of the connecting terminals are arranged along the longer direction of the main body side casing (spring terminals 103 in Fig. 17 and page 1, lines 18-23 of application). Applicants respectfully disagree. The spring terminals 103 of Fig. 17 are disposed in the widthwise (X)(shorter) direction for electric contact to the battery pack 200 (see page 1, lines 21-23 of application). Thus, Fig. 17 fails to teach or suggest all features of the claims. Kobayashi and Ioka, taken individually or in combination, fails to make up for the aforementioned Fig. 17's deficiencies. Kobayashi and Ioka, taken individually or in combination, does not teach or suggest each and every feature of the claimed intention. Kobayashi discloses a portable mobile phone with free stop function but does not disclose a collision avoiding unit including generally sector-shaped and concavely curved ascent/descent portions, suitably shaped and curved push-up portions and riding portions which are protruded generally in a sector shape and are formed on a back face of the battery pack

confronting the ascent/descent portions and the push-up portions. Ioka does not disclose a battery case does not have a collision avoiding unit including generally sector-shaped and concavely curved ascent/descent portions, suitably shaped and curved push-up portions and riding portions which are protruded generally in a sector shape and are formed on a back face of the battery pack confronting the ascent/descent portions and the push-up portions as required in claim 1. In Figs. 6-8 of Ioka, merely round shaped projections 10 are provided, and the projections do not have generally sector-shaped and concavely curved ascent/descent portions, suitably shaped and curved push-up portions. Moreover, there is no riding portion on the battery pack in Figs. 6-8. In Figs. 10-12 of Ioka, protrusions 29 have walls at 90 degree from the bottom 35 in order to fit the battery pack to the battery case. To the contrary, the collision avoiding unit of the claimed invention has generally sector-shaped and concavely curved ascent/descent portions 41A, suitably shaped and curved push-up portions 41B and riding portions 42 which are protruded generally in a sector shape and are formed on a back face of the battery pack confronting the ascent/descent portions and the push-up portions, and therefore the riding portions 42 smoothly ride on and over the ascent/descent push-up portions 41 while sliding on the sector-shaped concavely curved faces of the ascent/descent push-up portions, thereby to avoid the battery pack reliably from colliding against pin terminals (see page 12, lines 6-14 of application). Thus, Kobayashi and Ioka, taken individually or in combination, does not teach or suggest each and every feature of the claimed intention. That is, the asserted combination of Fig. 17, Kobayashi and Ioka fails to teach or suggest all features of the claims. Hence, the rejection should be withdrawn.

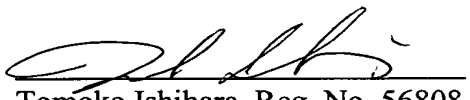
Applicants acknowledge with appreciation the indicated allowability of claim 2 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 2 has been placed into independent form and is allowable.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 38095.

Respectfully submitted,

PEARNE & GORDON LLP

By: 
Tomoko Ishihara, Reg. No. 56808

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

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Amendments to the Drawings:

The attached sheet of drawings includes a change to Fig. 17, which has been marked as being "Prior Art". This sheet replaces the original sheet including Fig. 17.

Attachment: Replacement Sheets.